

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

In re:	§	
	§	Chapter 11
	§	
INSTANT BRANDS ACQUISITION	§	Case No. 23-90716 (DRJ)
HOLDINGS INC., et al.,	§	
	§	
Debtors.¹	§	(Joint Administration Requested)
	§	

**DEBTORS' EMERGENCY *EX PARTE*
APPLICATION FOR ENTRY OF AN ORDER AUTHORIZING
THE EMPLOYMENT AND RETENTION OF EPIQ CORPORATE
RESTRUCTURING, LLC AS CLAIMS, NOTICING, AND SOLICITATION AGENT**

Emergency relief has been requested. Relief is requested not later than June 13, 2023.

If you object to the relief requested or you believe that emergency consideration is not warranted, you must appear at the hearing if one is set, or file a written response prior to the date that relief is requested in the preceding paragraph. Otherwise, the Court may treat the pleading as unopposed and grant the relief requested.

The Debtors file this emergency *ex parte* application to employ a claims, noticing, and solicitation agent (the “**Application**”):

Relief Requested

1. The Debtors seek entry of an order authorizing the Debtors to employ Epiq Corporate Restructuring, LLC (“**Epiq**”) as claims, noticing, and solicitation agent in accordance with the terms and conditions set forth in the engagement letter, dated May 23, 2023 (the

¹ The debtors and debtors in possession (the “**Debtors**”) in these chapter 11 cases (the “**Chapter 11 Cases**”), along with the last four digits of their respective employer identification numbers or registration numbers in the applicable jurisdictions, are as follows: Instant Brands (Texas) Inc. (2526); Instant Brands Acquisition Holdings Inc. (9089); Instant Brands Acquisition Intermediate Holdings Inc. (3303); Instant Brands Holdings Inc. (3318); URS-1 (Charleroi) LLC (7347); Instant Brands LLC (0566); URS-2 (Corning) LLC (8085); Corelle Brands (Latin America) LLC (8862); EKCO Group, LLC (7167); EKCO Housewares, Inc. (0216); EKCO Manufacturing of Ohio, Inc. (7300); Corelle Brands (Canada) Inc. (5817); Instant Brands (Canada) Holding Inc. (4481); Instant Brands Inc. (8272); and Corelle Brands (GHC) LLC (9722). The address of the debtors’ corporate headquarters is 3025 Highland Parkway, Suite 700, Downers Grove, IL 60515.

“**Engagement Letter**”), a copy of which is attached hereto as **Exhibit A**. The Application is supported by the *Declaration of Brian Hunt* attached hereto as **Exhibit B** (the “**Hunt Declaration**”).

2. Emergency consideration of this Application is requested to effectuate the Debtors’ transition into bankruptcy and to immediately begin providing effective notice of pleadings and orders to interested parties.

Jurisdiction, Venue, and Authority

3. The United States Bankruptcy Court for the Southern District of Texas (the “**Court**”) has jurisdiction over this Application pursuant to 28 U.S.C. §§ 157 and 1334 and the *Order of Reference to Bankruptcy Judges, General Order 2012-6* (S.D. Tex. May 24, 2012) (Hinojosa, C.J.).

4. This matter is a core proceeding within the meaning of 28 U.S.C. § 157(b). In addition, the Debtors confirm their consent to the entry of a final order by the Court in connection with this Application to the extent that it is later determined that the Court, absent consent of the parties, cannot enter a final order or judgment in connection herewith consistent with Article III of the United States Constitution.

5. Venue of the Chapter 11 Cases and related proceedings is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

Request to Employ Epiq

6. The Debtors request approval to employ Epiq to serve as claims, noticing, and solicitation agent in the Chapter 11 Cases and to provide the services outlined in the Engagement Letter. The Debtors believe that Epiq’s employment is in the best interest of the estates.

7. Epiq's rates are competitive and reasonable. Epiq has the expertise required in a complex chapter 11 case.

8. The Debtors request this Court authorize Epiq's employment.

Compensation

9. The Debtors request that Epiq's fees and expenses be paid as an administrative expense in the ordinary course of the Debtors' business without further application or order of the Court. Should a dispute develop, the matter will be brought to the Court for resolution. Epiq agrees to maintain records of all services showing dates, categories of services, fees charged, and expenses incurred.

10. Epiq will provide a monthly invoice to the Debtors, Debtors' counsel, the U.S. Trustee, counsel for any official committee, and any party-in-interest who specifically requests service of the monthly invoices.

11. Prior to the Petition Date, the Debtors provided Epiq an advance in the amount of \$25,000. Epiq will apply these funds in accordance with the Engagement Letter.

Indemnification

12. The Debtors have agreed to indemnify Epiq as set forth in the Engagement Letter. Notwithstanding anything to the contrary, Epiq will not be indemnified for liability arising out of gross negligence, willful misconduct, and certain other matters identified in the proposed order.

Disinterestedness

13. Epiq has reviewed its conflicts system to determine whether it has any relationships with the Debtors' creditors and parties-in-interest. Except as disclosed in the Hunt Declaration, Epiq represents that it neither holds nor represents any interest materially adverse to the Debtors' estates in connection with any matter on which it would be employed. To the best of the Debtors' knowledge, Epiq is a "disinterested person" as that term is defined in section 101(14) of title 11 of

the United States Code (the “**Bankruptcy Code**”), as modified by section 1107(b) of the Bankruptcy Code. Epiq agrees that it will supplement its disclosure to the Court if any facts or circumstances are discovered that would require such additional disclosure.

The Debtors request that the Court grant the relief requested in this Application.

Dated: June 12, 2023
Grosse Pointe Farms, Michigan

Respectfully submitted,

/s/ Adam Hollerbach

Adam Hollerbach
Chief Restructuring Officer
Instant Brands Acquisition Holdings Inc. and
its Debtor affiliates

Certificate of Service

This Application is being filed *ex parte*. Service will only occur by notice on the Court's CM/ECF system.

/s/ Arsalan Muhammad

Arsalan Muhammad